



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,071	06/01/2001	Maik Brett	55708	1318

21874 7590 12/13/2004  
EDWARDS & ANGELL, LLP  
P.O. BOX 55874  
BOSTON, MA 02205

EXAMINER
----------

KASSA, YOSEF

ART UNIT	PAPER NUMBER
----------	--------------

2625

DATE MAILED: 12/13/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/806,071

Applicant(s)

BRETT ET AL.

Examiner

YOSEF KASSA

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15 and 2031 is/are rejected.
- 7) ☒ Claim(s) 16-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 15-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase " MHD, MVD, SHS and SVS", applicant did not clearly defined the above phases.

### ***Claim Objections***

2. Claim 17 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. That is, claim 17 cannot depend on claim 17. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 and 20-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malinowski et al (U.S. Patent 5,574,572), and in view of Hailey et al (U.S. Patent 4,991,010).

With regarding to claim 15, Malinowski et al discloses a method for changing the image size of video images (see col. 3, lines 25-27), decimation of video image signals being carried out by an integral decimation factor (MHD, MVD) (see col. 3, lines 28-38, the process of vertical and horizontal scale factor), and a fine decimation of the video image signals additionally being carried out by a fine decimation factor (SHS, SVS) which can be adjusted to non-integral values (see col. 8, lines 10-21), and a total decimation factor (MH, MV) relevant to the decimation of the video image signals being formed from the integral decimation factor (MHD, MVD) (see col. 2, lines 46-54) and the fine decimation factor (SHS, SVS), characterized in that firstly the fine decimation of the video image signals by the non-integral fine decimation factor (SHS, SVS), and subsequently the decimation by the integral decimation factor (MHD, MVD) are carried out (see col. 6, lines 25-37).

While Makinowski et al discloses vertical and horizontal scale factor, he does not specifically call for the term decimation factor. However, at the same field of endeavor, Hailey et al teaches this feature (see col. 2, lines 58-61). At the time of the invention was made, it would have been obvious to a person an ordinary skill in the art to incorporate the teaching of Hailey et al decimation factor process into Makinowski et al system. The motivation doing so is to decimate image information in a vertical and horizontal direction.

With regarding to claim 20, Malinowski et al disclose wherein low-pass filtering is undertaken during the integral decimation (see Fig. 5, item 40).

With regarding to claim 21, Malinowski et al discloses wherein additional low-pass filtering is undertaken before the integral decimation (see Fig. 6, item 54).

With regarding to claim 22, Malinowski et al discloses wherein low-pass filtering is undertaken before the integral decimation (see Fig. 4, item 42).

With regarding to claim 23, Malinowski et al discloses wherein the fine decimation comprises a linear interpolation of video image signals (see col. 2, lines 33-40).

Claim 24 is similarly analyzed as claim 22.

With regarding to claim 25, Malinowski et al discloses wherein frequency response crispening (P) is carried out after the integral decimation (see Fig. 6, items 52-54).

With regarding to claim 26, Malinowski et al discloses wherein horizontal decimation of the video image signals is carried out (see col. 4, lines 54-60).

With regarding to claim 27, Malinowski et al discloses wherein vertical decimation of the video image signals is carried out (see col. 4, lines 54-60).

Claims 28 and 29 are similarly analyzed as claims 26 and 27.

Claim 30 is similarly analyzed as claim 1.

With regarding to claim 31, Malinowski et al discloses wherein a control device for outputting the integral decimation factor (MHD, MVD) and the non-integral fine decimation factor (SHS, SVS) (see Figs. 5 and 6).

***Allowable Subject Matter***

4. Claims 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Other Prior Art Cited***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. (5,140,416) to Tinkler discloses system and method for fusing video imagery for multiple sources in real time.

US Patent No. (5,231,487) to Hurley et al discloses storage or video signals.

US Patent No. (5,384,869) to Wilkinson et al discloses image processing apparatus.

US Patent No. (6,122,016) to De Haan et al discloses video signal processing.

US Patent No. (6,285,711) to Ratadonda et al discloses block matching based method for estimating motion...

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF KASSA whose telephone number is (703) 306-5918. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM.

Art Unit: 2625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BHAVESH MEHTA can be reached on (703) 308-5246. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communication and (703) 872-9306 for after Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**PATENT EXAMINER**

Yosef Kassa



12/10/04.